

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF TENNESSEE
3 GREENEVILLE

4 UNITED STATES OF AMERICA, . DOCKET NO. CR-2-21-138
5 GOVERNMENT, .
6 VS. . GREENEVILLE, TN
7 ANTONIO MARK HARVEY, . JUNE 2, 2022
8 DEFENDANT. . 8:33 A.M.
9

10 UNITED STATES OF AMERICA, . DOCKET NO. CR-2-21-4
11 GOVERNMENT, .
12 VS. .
13 BARRY JONES, .
14 DEFENDANT. .
15

16 UNITED STATES OF AMERICA, . DOCKET NO. CR-2-21-105
17 GOVERNMENT, .
18 VS. .
19 MAX K. CAREY, .
20 DEFENDANT. .
21

22
23 TRANSCRIPT OF CHANGE OF PLEAS
24 BEFORE THE HONORABLE CLIFTON L. CORKER
25 UNITED STATES DISTRICT JUDGE

1 APPEARANCES:

2 FOR THE GOVERNMENT:

U.S. DEPARTMENT OF JUSTICE
OFFICE OF U.S. ATTORNEY
D. WAYNE TAYLOR, AUSA
EMILY MICHELLE SWECKER, AUSA
THOMAS ANTHONY MCCAULEY, AUSA
220 WEST DEPOT STREET, SUITE 423
GREENEVILLE, TN 37743

6 FOR THE DEFENDANT
7 HARVEY:

FEDERAL DEFENDER SERVICES OF
EASTERN TENNESSEE, INC.
KAYCEE MARIE ROBERTS, ESQ.
129 WEST DEPOT STREET, SUITE ONE
GREENEVILLE, TN 37743

9 FOR THE DEFENDANT
10 JONES:

TIMOTHY W. HUDSON, ESQ.
131 EIGHTH STREET
BRISTOL, TN 37621

11 FOR THE DEFENDANT
12 CAREY:

FEDERAL DEFENDER SERVICES OF
EASTERN TENNESSEE, INC.
KAYCEE MARIE ROBERTS, ESQ.
129 WEST DEPOT STREET, SUITE ONE
GREENEVILLE, TN 37743

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22 COURT REPORTER:

KAREN J. BRADLEY
RPR-RMR
U.S. COURTHOUSE
220 WEST DEPOT STREET
GREENEVILLE, TN 37743

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25 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT
PRODUCED BY COMPUTER.

1 (CALL TO ORDER OF THE COURT AT 8:33 A.M.)

2 THE COURT: ALL RIGHT. GOOD MORNING.

3 MR. HENRY: GOOD MORNING, YOUR HONOR.

4 THE COURT: ALL RIGHT. DO YOU WANT TO CALL OUR
5 CASES THIS MORNING.

6 THE CLERK: CASE NUMBER 2:21-CR-138, USA VERSUS
7 ANTONIO HARVEY; CASE NUMBER CR:2-21-4, USA VERSUS BARRY
8 JONES; CASE NUMBER 2:21-CR-105, USA VERSUS MAX CAREY.

9 (DEFENDANTS SWORN)

10 THE COURT: ALL RIGHT. GOOD MORNING.

11 THE COURT'S INFORMED THAT EACH OF THE DEFEN-
12 DANTS HERE TODAY ARE GOING TO BE CHANGING THEIR PLEA TO A
13 PLEA OF GUILTY, AND LET ME HAVE EACH OF THE DEFENDANTS --
14 LET ME JUST TELL YOU WHAT WE'RE GOING TO DO. I'M GOING TO
15 BE ASKING, MR. HARVEY, I'M GOING TO BE ASKING YOU THE
16 QUESTION FIRST, OKAY, AND WHAT'S YOUR NAME?

17 MR. HENRY: MICHAEL HENRY --

18 THE COURT: MICHAEL HENRY, OKAY.

19 MR. HENRY: -- WITH THE FEDERAL DEFENDER
20 SERVICES.

21 THE COURT: OKAY. VERY GOOD. WELCOME HERE.

22 MR. HENRY: YES, SIR. THANK YOU.

23 THE COURT: AND I'LL HAVE, MR. HARVEY, I'LL
24 HAVE YOU ANSWER MY QUESTION, FIRST, OKAY; AND THEN AFTER
25 YOU ANSWER THE QUESTIONS, MR. JONES, THAT'S WHEN I WANT

1 YOU TO ANSWER THE QUESTION, OKAY; AND THEN, MR. CAREY,
2 THEN I'LL HAVE YOU ANSWER AFTER MR. JONES ANSWERS, OKAY.

3 ALL RIGHT. LET ME FIRST GET YOU TO IDENTIFY
4 EACH OF YOURSELVES. MR. HARVEY, WE'LL BEGIN WITH YOU,
5 WHAT'S YOUR FULL NAME?

6 DEFENDANT HARVEY: ANTONIO MARK HARVEY.

7 THE COURT: AND LET ME HAVE YOU STEP UP TO THE
8 MICROPHONE SO I CAN HEAR YOU.

9 ALL RIGHT, SAY YOUR NAME AGAIN, PLEASE.

10 DEFENDANT HARVEY: ANTONIO MARK HARVEY.

11 THE COURT: ALL RIGHT, AND MR. JONES?

12 DEFENDANT JONES: BARRY LYNN JONES.

13 THE COURT: ALL RIGHT.

14 DEFENDANT CAREY: MAX K. CAREY.

15 THE COURT: OKAY, AND, MR. JONES, LET ME JUST
16 ASK YOU, I DID GET A LETTER YESTERDAY FROM YOU, ARE YOU
17 READY TO PROCEED TODAY?

18 DEFENDANT JONES: YES, SIR.

19 THE COURT: ALL RIGHT. THE COURT IS INFORMED
20 THAT EACH OF YOU WANT TO CHANGE YOUR PLEA TO A PLEA OF
21 GUILTY. BEFORE ACCEPTING YOUR PLEA THERE ARE A NUMBER OF
22 QUESTIONS THAT I HAVE TO ASK YOU TO MAKE SURE THE PLEA IS
23 A VALID ONE. IF YOU DON'T UNDERSTAND ANY OF MY QUESTIONS,
24 PLEASE HAVE ME TO EXPLAIN IT TO YOU, AND I'M HAPPY TO DO
25 SO. EACH OF YOU ARE REPRESENTED BY COUNSEL THIS MORNING,

1 AND YOU CAN CONSULT WITH YOUR ATTORNEY IF YOU HAVE ANY
2 DOUBT ABOUT THE QUESTION OR IF YOU FEEL THE NEED TO TALK
3 TO THEM AT ALL, OKAY?

4 DO YOU UNDERSTAND THAT YOU ARE NOW UNDER OATH
5 AND THAT IF YOU ANSWER ANY OF MY QUESTIONS FALSELY, YOUR
6 ANSWERS MAY BE USED AGAINST YOU IN ANOTHER PROSECUTION FOR
7 PERJURY OR FOR MAKING A FALSE STATEMENT? MR. HARVEY, DO
8 YOU UNDERSTAND THAT?

9 DEFENDANT HARVEY: YES, YES.

10 THE COURT: OKAY.

11 DEFENDANT JONES: YES, SIR.

12 DEFENDANT CAREY: YES, SIR.

13 THE COURT: ALL RIGHT. MR. HARVEY, WERE YOU
14 BORN IN THE UNITED STATES?

15 DEFENDANT HARVEY: YES.

16 THE COURT: MR. JONES?

17 DEFENDANT JONES: YES, SIR.

18 DEFENDANT CAREY: YES.

19 THE COURT: OKAY, AND HOW OLD ARE YOU?

20 DEFENDANT HARVEY: THIRTY-THREE.

21 THE COURT: THIRTY-THREE, OKAY.

22 DEFENDANT JONES: FORTY-EIGHT.

23 DEFENDANT CAREY: THIRTY-ONE.

24 THE COURT: ALL RIGHT. AND HOW FAR DID YOU GO
25 IN SCHOOL, MR. HARVEY?

1 DEFENDANT HARVEY: GRADUATED.

2 THE COURT: FROM HIGH SCHOOL?

3 DEFENDANT HARVEY: YEAH.

4 THE COURT: OKAY.

5 DEFENDANT JONES: TENTH GRADE, HIGH SCHOOL.

6 DEFENDANT CAREY: TWELFTH GRADE.

7 THE COURT: ALL RIGHT. CAN YOU READ AND WRITE?

8 DEFENDANT HARVEY: YES.

9 DEFENDANT JONES: YES.

10 DEFENDANT CAREY: YES.

11 THE COURT: ALL RIGHT. ARE YOU NOW OR HAVE YOU
12 RECENTLY BEEN TREATED FOR ANY MENTAL ILLNESS OR ADDICTION
13 TO NARCOTIC DRUGS OF ANY KIND?

14 DEFENDANT HARVEY: YES.

15 THE COURT: AND TELL ME ABOUT THAT, WHAT HAVE
16 YOU BEEN DIAGNOSED WITH OR TREATED FOR?

17 DEFENDANT HARVEY: I CAN'T REMEMBER -- I CAN'T
18 REMEMBER.

19 THE COURT: HAVE YOU EVER BEEN DIAGNOSED WITH A
20 MENTAL ILLNESS?

21 DEFENDANT HARVEY: NO, NO.

22 THE COURT: YOU'RE JUST TALKING ABOUT TREATMENT
23 FOR SUBSTANCE ABUSE?

24 DEFENDANT HARVEY: YES.

25 THE COURT: OKAY. DO YOU KNOW HOW LONG AGO YOU

1 WERE TREATED FOR SUBSTANCE ABUSE?

2 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT
3 HARVEY AND HIS ATTORNEY)

4 DEFENDANT HARVEY: A COUPLE OF YEARS AGO.

5 THE COURT: A COUPLE OF YEARS AGO, OKAY. ALL
6 RIGHT, AND YOU HAVE NOT BEEN DIAGNOSED WITH ANY MENTAL
7 ILLNESSES AT ALL, MR. HARVEY?

8 MR. HENRY: ANY MENTAL ILLNESS?

9 DEFENDANT HARVEY: NO, DEPRESSION, SOME
10 DEPRESSION.

11 MR. HENRY: SOME TYPE OF DEPRESSION, YOUR
12 HONOR, MAYBE IN THE PAST HE'S BEEN DIAGNOSED WITH
13 DEPRESSION.

14 THE COURT: UH-HUH, OKAY. ALL RIGHT. YOU'RE
15 NOT, YOU'RE NOT TAKING ANY MEDICINE TODAY; ARE YOU?

16 DEFENDANT HARVEY: NO.

17 THE COURT: ALL RIGHT. MR. JONES, LET ME
18 REPEAT THE QUESTION, HAVE YOU -- ARE YOU NOW OR HAVE YOU
19 RECENTLY BEEN TREATED FOR ANY KIND OF MENTAL ILLNESS OR
20 ADDICTION TO NARCOTIC DRUGS OF ANY KIND?

21 DEFENDANT JONES: I HAVE BEEN TREATED FOR DRUG
22 ABUSE, BUT NOT AT THIS TIME, AND NO MENTAL ILLNESS.

23 THE COURT: AND NO MENTAL HEALTH DIAGNOSES?

24 DEFENDANT JONES: NO, SIR.

25 THE COURT: OKAY, AND, MR. CAREY?

1 DEFENDANT CAREY: NO MENTAL HEALTH, I HAVE BEEN
2 TREATED FOR DRUG ADDICTION.

3 THE COURT: HOW LONG AGO WAS THAT?

4 DEFENDANT CAREY: IT WAS 2013, '14.

5 THE COURT: OKAY. ALL RIGHT. HAVE YOU TAKEN
6 ANY DRUGS, MEDICINE, PILLS OR ALCOHOLIC BEVERAGES OF ANY
7 KIND WITHIN THE LAST 24 HOURS?

8 DEFENDANT HARVEY: NO.

9 DEFENDANT JONES: NO, SIR.

10 DEFENDANT CAREY: NO, SIR.

11 THE COURT: ALL RIGHT. AND DO YOU UNDERSTAND
12 WHAT'S HAPPENING HERE TODAY?

13 MR. HENRY: DO YOU UNDERSTAND WHAT YOU'RE DOING
14 HERE TODAY? TODAY IS YOUR PLEA DAY, YOU'RE PLEADING
15 GUILTY.

16 DEFENDANT HARVEY: YEAH.

17 DEFENDANT JONES: YES, SIR.

18 DEFENDANT CAREY: YES, SIR.

19 THE COURT: AND I WOULD ASK EACH DEFENSE
20 COUNSEL, DO YOU CONSIDER YOUR CLIENT COMPETENT TO ENTER A
21 PLEA OF GUILTY?

22 MR. HENRY: YES, YOUR HONOR, I DO.

23 THE COURT: OKAY.

24 MR. HUDSON: I DO, YOUR HONOR.

25 MS. ROBERTS: YES, YOUR HONOR.

1 THE COURT: ALL RIGHT. I KNOW MR. HARVEY HAS
2 BEEN KIND OF HESITANT TO ANSWER, DOES THAT GIVE YOU ANY
3 CONCERN ABOUT -- IS THIS HOW NORMALLY HE CONDUCTS HIMSELF?

4 MR. HENRY: SOMEWHAT, YOUR HONOR. TODAY MAY BE
5 A MORE DIFFICULT DAY. I DON'T KNOW IF IT'S BECAUSE IT'S
6 SO EARLY, I'M NOT SURE IF THEY JUST TRANSPORTED HIM TODAY;
7 BUT WE HAVE BEEN ABLE TO COMMUNICATE, WE DEFINITELY ARE
8 ABLE TO COMMUNICATE. I DO BELIEVE HE'S COMPETENT, I JUST
9 THINK HE'S HAVING A BAD DAY TODAY.

10 THE COURT: IS HE? OKAY. ALL RIGHT.
11 MR. HARVEY, IF YOU DO HAVE ANY CONCERN ABOUT GOING FORWARD
12 TODAY, LET ME KNOW, OKAY? WE CAN STOP THIS PROCEEDING,
13 LET YOU TAKE A BREAK, AND WE CAN COME BACK AND DEAL WITH
14 YOU INDIVIDUALLY IF YOU WANT US TO, OKAY?

15 DEFENDANT HARVEY: (NODS HEAD UP AND DOWN) .

16 THE COURT: ALL RIGHT. YOU JUST LET ME KNOW IF
17 YOU ARE HESITANT AT ALL, OKAY? DO YOU FEEL OKAY GOING
18 FORWARD?

19 DEFENDANT HARVEY: YES.

20 THE COURT: OKAY. ALL RIGHT. HAVE YOU
21 RECEIVED A COPY OF THE INDICTMENT PENDING AGAINST YOU IN
22 THIS CASE, THOSE ARE THE CHARGES AGAINST YOU, HAVE YOU
23 RECEIVED THAT, MR. HARVEY?

24 DEFENDANT HARVEY: YES.

25 THE COURT: MR. JONES?

1 DEFENDANT JONES: YES.

2 THE COURT: OKAY.

3 DEFENDANT CAREY: YES.

4 THE COURT: AND HAVE YOU READ THE INDICTMENT OR
5 HAD IT READ TO YOU?

6 DEFENDANT HARVEY: YES.

7 DEFENDANT JONES: YES.

8 DEFENDANT CAREY: YES.

9 THE COURT: AND HAVE YOU HAD AMPLE OPPORTUNITY
10 TO DISCUSS YOUR CASE WITH YOUR ATTORNEY?

11 DEFENDANT HARVEY: YES.

12 DEFENDANT JONES: YES.

13 DEFENDANT CAREY: YES.

14 THE COURT: AND HAVE YOU DISCLOSED ALL FACTS
15 THAT YOU KNOW ABOUT THE CASE TO YOUR ATTORNEY?

16 DEFENDANT HARVEY: YES.

17 DEFENDANT JONES: YES.

18 DEFENDANT CAREY: YES.

19 THE COURT: AND HAS YOUR ATTORNEY ADVISED YOU
20 OF THE NATURE AND THE MEANING OF THESE CHARGES?

21 MR. HENRY: HAVE I ADVISED YOU OF THE NATURE
22 AND THE MEANING OF THE CHARGES?

23 DEFENDANT HARVEY: YES.

24 DEFENDANT JONES: YES.

25 DEFENDANT CAREY: YES.

1 THE COURT: AND HAS YOUR ATTORNEY ALSO ADVISED
2 YOU AS TO EVERY ELEMENT OF THE OFFENSES WHICH THE
3 GOVERNMENT MUST PROVE BEYOND A REASONABLE DOUBT IN ORDER
4 TO OBTAIN A CONVICTION FOR THIS OFFENSE?

5 DEFENDANT HARVEY: YES.

6 DEFENDANT JONES: YES.

7 DEFENDANT CAREY: YES.

8 THE COURT: HAS YOUR ATTORNEY EXPLAINED TO YOU
9 THE MEANING OF ALL WORDS USED IN THE INDICTMENT WHICH YOU
10 DIDN'T UNDERSTAND?

11 DEFENDANT HARVEY: YES.

12 DEFENDANT JONES: YES.

13 DEFENDANT CAREY: YES.

14 THE COURT: AND HAS YOUR ATTORNEY ALSO ADVISED
15 YOU AS TO ANY DEFENSE YOU MIGHT HAVE TO THESE CHARGES?

16 DEFENDANT HARVEY: YES.

17 DEFENDANT JONES: YES.

18 DEFENDANT CAREY: YES.

19 THE COURT: AND ARE YOU SATISFIED WITH YOUR
20 ATTORNEY'S REPRESENTATION OF YOU?

21 DEFENDANT HARVEY: YES.

22 DEFENDANT JONES: YES.

23 DEFENDANT CAREY: YES.

24 THE COURT: AND TO COUNSEL, ARE YOU SATISFIED
25 THAT YOUR CLIENT UNDERSTANDS THE NATURE OF THE CHARGES,

1 THE ELEMENTS OF THE OFFENSES CHARGED AND THE LEGAL MEANING
2 OF THE WORDS USED IN THE INDICTMENT?

3 MR. HENRY: YES, YOUR HONOR.

4 MR. HUDSON: YES, YOUR HONOR.

5 MS. ROBERTS: YES, YOUR HONOR.

6 THE COURT: ALL RIGHT. NOW, I UNDERSTAND
7 THERE'S A PLEA AGREEMENT FOR EACH OF YOU, DID YOU HAVE
8 AMPLE OPPORTUNITY TO READ AND DISCUSS YOUR PLEA AGREEMENT
9 WITH YOUR ATTORNEY BEFORE YOU SIGNED IT?

10 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT
11 HARVEY AND HIS ATTORNEY)

12 MR. HENRY: BRIEF INDULGENCE, YOUR HONOR.

13 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT
14 HARVEY AND HIS ATTORNEY)

15 MR. HENRY: YOUR HONOR, MR. HARVEY HAS ASKED ME
16 A QUESTION ABOUT HIS ACCEPTANCE OF RESPONSIBILITY. IN THE
17 PLEA AGREEMENT IT SPEAKS TO A TWO POINT REDUCTION AND THAT
18 HE MAY IN FACT QUALIFY FOR A THREE POINT REDUCTION. I
19 TOLD HIM THIS IS SOMETHING WE MOST LIKELY WILL ADDRESS AT
20 SENTENCING.

21 THE COURT: RIGHT.

22 MR. HENRY: BUT THAT VERY WELL MAY BE A
23 DISCREPANCY IN THE PLEA AGREEMENT.

24 THE COURT: OKAY. WELL, MY QUESTION WAS, WAS
25 HAS HE READ AND DISCUSSED IT OR HAS HE READ AND DISCUSSED

1 THE PLEA AGREEMENT WITH YOU.

2 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT
3 HARVEY AND HIS ATTORNEY)

4 THE COURT: I MEAN, OBVIOUSLY I'M NOT GOING TO
5 ACCEPT A PLEA AGREEMENT TODAY, BUT -- AND WHAT ARE YOU
6 TALKING ABOUT, THERE'S A DISCREPANCY IN THE PLEA
7 AGREEMENT?

8 MR. HENRY: NOT SO MUCH A DISCREPANCY, YOUR
9 HONOR, JUST -- IT SPEAKS TO IN PARAGRAPH 7 THAT IF THE
10 DEFENDANT'S OFFENSE LEVEL IS A 16 OR GREATER AND THE
11 DEFENDANT IS AWARDED THE TWO LEVEL REDUCTION, AND
12 MR. HARVEY JUST WANTS TO MAKE SURE IF HE IS IN FACT A 16
13 OR GREATER THAT HE WOULD GET A THREE LEVEL REDUCTION. IT
14 COULD BE A TYPO.

15 THE COURT: WELL, WHAT HAPPENS IS IF HIS
16 OFFENSE LEVEL IS GREATER THAN 16, YOU CAN GET UP TO THREE
17 LEVELS, SO -- OF REDUCTION, AND TWO LEVELS, IF IT'S
18 GREATER THAN 16, THE UNITED STATES -- IF IT'S GREATER THAN
19 16, THEY CAN MOVE AT SENTENCING TO REDUCE THE OFFENSE
20 LEVEL BY AN ADDITIONAL LEVEL.

21 MR. HENRY: YES, SIR.

22 THE COURT: THAT'S KIND OF STANDARD --

23 MR. HENRY: YES, SIR.

24 THE COURT: -- ISN'T IT, OR --

25 MR. TAYLOR: YOUR HONOR, THIS IS NOT MY CASE,

1 BUT IF I CAN ADDRESS THIS.

2 THE COURT: YES.

3 MR. TAYLOR: I MEAN, THIS IS MR. MCCAULEY'S
4 CASE, BUT THIS IS AN 11(C) (1) (C) PLEA AGREEMENT TO A FIXED
5 SENTENCE, SO THE PROVISION THAT APPLIES FOR AN ADDITIONAL
6 LEVELS TO BE MADE REALLY -- THERE IS A DISCREPANCY, THAT
7 SHOULD NOT HAVE BEEN IN THIS PLEA AGREEMENT, THERE IS NO
8 FURTHER REDUCTION FOR ACCEPTANCE OF RESPONSIBILITY JUST TO
9 BE VERY CLEAR ON THE RECORD. THERE IS AN AGREEMENT HERE
10 AS TO THE ACTUAL SENTENCE IN THIS CASE, AND SO THAT WOULD
11 BE IT. SO I THINK MR. HENRY IS CORRECT, THERE IS AN ERROR
12 IN THAT FIRST PART OF PARAGRAPH 7, THAT SHOULD NOT HAVE
13 BEEN IN THERE. THE SENTENCE THAT IS AGREED UPON BY BOTH
14 PARTIES IS 67 MONTHS, AND THEN THERE'S THE REVOCATION
15 AGREEMENT AS WELL.

16 THE COURT: WHERE'S THE AGREED PUNISHMENT FOR
17 THAT, WHAT PARAGRAPH?

18 MR. TAYLOR: IT'S IN PARAGRAPH 6, YOUR HONOR.

19 THE COURT: OKAY. OKAY. NOW I SEE IT.

20 MR. TAYLOR: AND THAT WOULD RESOLVE THE
21 UNDERLYING CASE PLUS THE REVOCATION.

22 IT'S IN THE FOLLOWING PARAGRAPH, PARAGRAPH 7,
23 AND ADDRESSES WHAT WOULD BE A NORMAL CASE THAT'S NOT AN
24 11(C) (1) (C) PLEA, AND THAT'S SOMETHING THAT JUST SLIPPED
25 BY AND IS AN ERROR, SO THERE IS NO ADDITIONAL REDUCTION.

1 THE COURT: OH, I SEE WHAT I'M DOING. I --
2 MY -- I HAVE THE WRONG PLEA AGREEMENT THAT I PULLED OUT,
3 SO HAVING ALL THESE DEFENDANTS AT ONE TIME AND THEY'RE NOT
4 IN THE SAME ORDER, SO OKAY, I GET IT.

5 ALL RIGHT. GOING BACK TO THE QUESTION, HAVE
6 YOU HAD AN AMPLE OPPORTUNITY TO READ AND DISCUSS THE PLEA
7 AGREEMENT WITH YOUR ATTORNEY, MR. HARVEY?

8 DEFENDANT HARVEY: YES.

9 THE COURT: OKAY.

10 THE COURT: MR. JONES?

11 DEFENDANT JONES: YES.

12 DEFENDANT CAREY: YES.

13 THE COURT: OKAY, AND HAS YOUR ATTORNEY
14 EXPLAINED TO YOU THE TERMS OF THE PLEA AGREEMENT?

15 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT
16 HARVEY AND HIS ATTORNEY)

17 THE COURT: MR. HARVEY?

18 DEFENDANT HARVEY: YES.

19 THE COURT: HAS YOUR ATTORNEY EXPLAINED TO YOU
20 THE TERMS OF THE PLEA AGREEMENT?

21 DEFENDANT HARVEY: YES.

22 THE COURT: OKAY. MR. JONES?

23 DEFENDANT JONES: (NODS HEAD UP AND DOWN) .

24 DEFENDANT CAREY: YES.

25 THE COURT: OKAY, AND DO YOU UNDERSTAND THE

1 TERMS AND THE CONDITIONS OF THE PLEA AGREEMENT?

2 DEFENDANT HARVEY: YES.

3 DEFENDANT JONES: YES.

4 DEFENDANT CAREY: YES.

5 THE COURT: ALL RIGHT. HAS ANYONE MADE ANY
6 PROMISES OR ASSURANCES THAT ARE NOT IN THE PLEA AGREEMENT
7 TO PERSUADE YOU TO ACCEPT IT? MR. HARVEY?

8 DEFENDANT HARVEY: NO.

9 DEFENDANT JONES: NO.

10 DEFENDANT CAREY: NO.

11 THE COURT: OKAY. HAS ANYONE, INCLUDING AN
12 OFFICER OR AGENT OF THE GOVERNMENT, THREATENED YOU IN ANY
13 WAY TO PERSUADE YOU TO ACCEPT THE PLEA AGREEMENT OR FORCE
14 YOU TO ACCEPT THE PLEA AGREEMENT?

15 DEFENDANT HARVEY: NO.

16 DEFENDANT JONES: NO.

17 DEFENDANT CAREY: NO.

18 THE COURT: ALL RIGHT. NOW, FOR MR. HARVEY AND
19 MR. JONES, YOU ALL HAVE ENTERED INTO RULE 11(C)(1)(C)
20 AGREEMENTS IN WHICH YOU AND THE UNITED STATES HAVE AGREED
21 TO A SPECIFIC SENTENCE IN YOUR CASE; DO YOU UNDERSTAND
22 THAT?

23 DEFENDANT HARVEY: YES.

24 DEFENDANT JONES: YES.

25 THE COURT: OKAY. AND DO YOU UNDERSTAND THAT

1 IF I CHOOSE NOT TO FOLLOW THE TERMS OF YOUR PLEA AGREE-
2 MENT, AND I WILL GIVE YOU AN OPPORTUNITY TO WITHDRAW YOUR
3 GUILTY PLEA, BUT IF YOU CHOOSE NOT TO WITHDRAW YOUR GUILTY
4 PLEA, I MAY SENTENCE YOU TO A SENTENCE THAT'S MORE SEVERE
5 THAN THE SENTENCE CALLED FOR BY YOUR RULE 11(C) (1) (C) PLEA
6 AGREEMENT; DO YOU UNDERSTAND THAT?

7 DEFENDANT HARVEY: YES.

8 DEFENDANT JONES: YES, SIR.

9 THE COURT: ALL RIGHT. NOW, YOUR PLEA AGREE-
10 MENTS, ALL OF THEM, CONTAIN WHAT WE CALL AN AGREED FACTUAL
11 BASIS. DID YOU CAREFULLY REVIEW THE FACTUAL BASIS WITH
12 YOUR ATTORNEY BEFORE YOU SIGNED THE PLEA AGREEMENT?
13 MR. HARVEY?

14 DEFENDANT HARVEY: YES.

15 DEFENDANT JONES: YES.

16 DEFENDANT CAREY: YES.

17 THE COURT: OKAY. DO YOU AGREE THE FACTUAL
18 BASIS STATED IN YOUR PLEA AGREEMENT IS TRUE?

19 DEFENDANT HARVEY: YES.

20 DEFENDANT JONES: YES.

21 DEFENDANT CAREY: YES.

22 THE COURT: ALL RIGHT. IS THERE ANYTHING IN IT
23 AT ALL THAT YOU THINK IS FALSE? MR. HARVEY?

24 DEFENDANT HARVEY: NO.

25 DEFENDANT JONES: NO.

1 DEFENDANT CAREY: NO.

2 THE COURT: OKAY. WILL THE GOVERNMENT
3 PLEASE -- WOULD THE GOVERNMENT BE PREPARED TO PROVE AT
4 TRIAL THE FACTS OUTLINED IN THE RESPECTIVE AGREED FACTUAL
5 BASES?

6 MS. SWECKER: YES, YOUR HONOR.

7 THE COURT: OKAY. ALL RIGHT. TO DEFENSE
8 COUNSEL, ON BEHALF OF YOUR CLIENT DO YOU AGREE THE FACTUAL
9 BASIS CONTAINED IN THE PLEA AGREEMENT IS ACCURATE AND
10 SATISFIES EACH OF THE ESSENTIAL ELEMENTS OF THE OFFENSE
11 CHARGED?

12 MR. HENRY: YES, YOUR HONOR.

13 MR. HUDSON: YES, YOUR HONOR.

14 MS. ROBERTS: YES, YOUR HONOR.

15 THE COURT: ALL RIGHT. HAS THE DEFENDANTS
16 WAIVED ANY APPEAL RIGHTS OR RIGHT TO FILE A SECTION 2255
17 MOTION IN THE PLEA AGREEMENT?

18 MS. SWECKER: YES, YOUR HONOR. EACH OF THESE
19 PLEA AGREEMENTS CONTAINS A WAIVER OF THOSE RIGHTS.
20 SPECIFICALLY READING FROM MR. HARVEY'S PLEA AGREEMENT AS
21 SET OUT IN PARAGRAPH 10, HE AGREES NOT TO FILE A DIRECT
22 APPEAL OF THE DEFENDANT'S CONVICTION OR SENTENCE WITH ONE
23 EXCEPTION, THE DEFENDANT RETAINS THE RIGHT TO APPEAL A
24 SENTENCE IMPOSED ABOVE THE SENTENCING GUIDELINE RANGE
25 DETERMINED BY THE COURT OR ABOVE ANY MANDATORY MINIMUM

1 SENTENCE DEEMED APPLICABLE BY THE COURT, WHICHEVER IS
2 GREATER.

3 THE DEFENDANT ALSO WAIVES THE RIGHT TO APPEAL
4 THE COURT'S DETERMINATION AS TO WHETHER THE DEFENDANT'S
5 SENTENCE WILL BE CONSECUTIVE OR PARTIALLY CONCURRENT TO
6 ANY OTHER SENTENCE.

7 THE DEFENDANT AGREES NOT TO FILE ANY MOTIONS OR
8 PLEADINGS PURSUANT TO 28, U.S. CODE, 2255 OR OTHERWISE
9 COLLATERALLY ATTACK THE DEFENDANT'S CONVICTION OR SENTENCE
10 WITH TWO EXCEPTIONS: THE DEFENDANT RETAINS THE RIGHT TO
11 FILE A 2255 MOTION AS TO PROSECUTORIAL MISCONDUCT AND
12 INEFFECTIVE ASSISTANCE OF COUNSEL. AND THOSE SAME
13 PROVISIONS ARE ALSO CONTAINED IN MR. JONES' AND MR.
14 CAREY'S PLEA AGREEMENT.

15 THE COURT: VERY GOOD.

16 ALL RIGHT. DO YOU UNDERSTAND THAT UNDER YOUR
17 PLEA AGREEMENT WITH THE GOVERNMENT YOU HAVE EXPRESSLY
18 WAIVED YOUR RIGHT TO APPEAL AND WAIVED YOUR RIGHT TO
19 COLLATERALLY ATTACK YOUR CONVICTION AND/OR SENTENCE AS
20 STATED BY THE ASSISTANT U.S. ATTORNEY? MR. HARVEY?

21 DEFENDANT HARVEY: YES.

22 DEFENDANT JONES: YES.

23 DEFENDANT CAREY: YES.

24 THE COURT: ALL RIGHT. HAVE YOU AND YOUR
25 ATTORNEY TALKED ABOUT HOW THIS -- ABOUT THIS WAIVER OF

1 YOUR RIGHTS TO APPEAL AND WAIVER OF YOUR RIGHT TO
2 COLLATERALLY ATTACK YOUR CONVICTION AND SENTENCE?
3 MR. HARVEY?

4 DEFENDANT HARVEY: YES.

5 THE COURT: YOU HAVE. MR. JONES?

6 DEFENDANT JONES: YES.

7 DEFENDANT CAREY: YES.

8 THE COURT: AND, MR. JONES, COULD YOU SPEAK UP
9 A LITTLE BIT LOUDER.

10 DEFENDANT JONES: OH, YES.

11 THE COURT: OKAY. ALL RIGHT. BEFORE ACCEPTING
12 YOUR PLEA AGREEMENT, I WILL ORDER THE PREPARATION OF A
13 PRESENTENCE REPORT PREPARED BY THE UNITED STATES PROBATION
14 OFFICE, AND I WILL DEFER MY DECISION ON WHETHER OR NOT I
15 HAVE RECEIVED -- UNTIL I HAVE RECEIVED THE PRESENTENCE
16 REPORT; BUT IF I DO REJECT YOUR PLEA AGREEMENT, I WILL
17 ADVISE YOU IN OPEN COURT, AND YOU WILL HAVE THE OPPOR-
18 TUNITY TO WITHDRAW YOUR PLEA AND CHANGE IT TO NOT GUILTY.

19 AND LET ME ASK COUNSEL, WERE ALL FORMAL PLEA
20 OFFERS BY THE GOVERNMENT CONVEYED TO YOUR CLIENT?

21 MR. HENRY: YES, YOUR HONOR.

22 MR. HUDSON: YES, YOUR HONOR.

23 MS. ROBERTS: YES, YOUR HONOR.

24 THE COURT: ALSO, I HAVE TO MAKE SURE THE PLEA
25 IS VOLUNTARY. HAS ANYONE ATTEMPTED IN ANY WAY TO FORCE

1 YOU TO PLEAD GUILTY OR TO OTHERWISE THREATEN YOU IN ANY
2 WAY TO GET YOU TO PLEAD GUILTY TODAY? MR. HARVEY?

3 DEFENDANT HARVEY: NO.

4 THE COURT: NO.

5 DEFENDANT JONES: NO, YOUR HONOR.

6 DEFENDANT CAREY: NO.

7 THE COURT: ALL RIGHT. HAS ANYONE MADE ANY
8 PROMISES OR ASSURANCES OF ANY KIND TO GET YOU TO PLEAD
9 GUILTY TODAY OTHER THAN WHAT THOSE ARE -- OTHER THAN THOSE
10 THAT ARE CONTAINED IN YOUR PLEA AGREEMENT?

11 DEFENDANT HARVEY: NO.

12 THE COURT: NO.

13 DEFENDANT JONES: NO, YOUR HONOR.

14 DEFENDANT JONES: NO.

15 THE COURT: AND ARE YOU PLEADING GUILTY OF YOUR
16 OWN FREE WILL AND VOLUNTARILY? MR. HARVEY?

17 DEFENDANT HARVEY: YEAH.

18 THE COURT: WHAT?

19 DEFENDANT HARVEY: YES.

20 THE COURT: OKAY.

21 DEFENDANT JONES: YES, YOUR HONOR.

22 DEFENDANT CAREY: YES.

23 THE COURT: IF YOUR PLEA IS ACCEPTED, YOU WILL
24 BE ADJUDGED GUILTY OF A FELONY OFFENSE, AND THIS WILL
25 CAUSE YOU TO LOSE CERTAIN VALUABLE CIVIL RIGHTS; SUCH AS,

1 THE RIGHT TO VOTE, THE RIGHT TO HOLD PUBLIC OFFICE, THE
2 RIGHT TO SERVE ON A JURY AND THE RIGHT TO POSSESS ANY KIND
3 OF FIREARMS. KNOWING THESE ADDITIONAL PENALTIES, DO YOU
4 STILL WANT TO PLEAD GUILTY?

5 DEFENDANT HARVEY: YES.

6 DEFENDANT JONES: YES.

7 DEFENDANT CAREY: YES.

8 THE COURT: ALL RIGHT. ALL RIGHT. LET ME TALK
9 IN GENERAL ABOUT HOW SENTENCING IS DETERMINED. FIRST,
10 WOULD THE GOVERNMENT PLEASE ADVISE THE DEFENDANTS AS TO
11 THE MAXIMUM POSSIBLE PENALTIES PROVIDED BY LAW FOR THESE
12 OFFENSES TO WHICH THEY'RE PLEADING GUILTY.

13 MS. SWECKER: YES, YOUR HONOR.

14 AS TO MR. HARVEY'S PLEA AGREEMENT IN COUNT 1
15 AND MR. CAREY'S PLEA AGREEMENT IN COUNT 1, THE PENALTIES
16 ARE THE SAME. THE PUNISHMENT IS A MAXIMUM OF 10 YEARS
17 IMPRISONMENT, A MAXIMUM FINE OF \$250,000, A MAXIMUM OF 3
18 YEARS SUPERVISED RELEASE AND A \$100 MANDATORY ASSESSMENT
19 FEE.

20 AS TO MR. JONES, THE PENALTY IN COUNT 1 IS A
21 MINIMUM MANDATORY 10 YEARS UP TO LIFE IMPRISONMENT, A
22 MAXIMUM FINE OF \$10 MILLION, A MINIMUM OF 5 YEARS UP TO
23 LIFE ON SUPERVISED RELEASE AND A \$100 MANDATORY ASSESSMENT
24 FEE.

25 AND AS TO COUNT 20, THE PUNISHMENT IS A MINIMUM

1 MANDATORY 5 YEARS UP TO LIFE IMPRISONMENT CONSECUTIVE TO
2 COUNT 1, A MAXIMUM OF A \$250,000 FINE, UP TO 5 YEARS
3 SUPERVISED RELEASE AND A \$100 SPECIAL ASSESSMENT FEE.

4 THE COURT: ALL RIGHT. BEGINNING WITH
5 MR. HARVEY, DO YOU UNDERSTAND THE MAXIMUM SENTENCE THE
6 COURT CAN IMPOSE IN YOUR CASE?

7 DEFENDANT HARVEY: YES, SIR.

8 DEFENDANT JONES: YES, SIR.

9 DEFENDANT CAREY: YES, SIR.

10 THE COURT: AND FOR, FOR MR. JONES, YOU'RE
11 LOOKING AT A MANDATORY MINIMUM SENTENCE OF 10 YEARS PLUS 5
12 YEARS, SO YOU'RE LOOKING AT A TOTAL MANDATORY, STATUTORY
13 SENTENCE OF 15 YEARS; DO YOU UNDERSTAND THAT?

14 DEFENDANT JONES: YES, SIR.

15 THE COURT: OKAY. ALL RIGHT HERE. IS
16 RESTITUTION OR FORFEITURE AN ISSUES IN THESE CASE? I
17 THINK THEY ARE, I THINK I'VE ENTERED A BUNCH OF
18 PRELIMINARY ORDERS OF FORFEITURE.

19 MS. SWECKER: YES, YOUR HONOR. SO FOR
20 MR. JONES' CASE THOSE AGREEMENTS REGARDING FORFEITURE ARE
21 SET OUT IN PARAGRAPH 8 OF THE PLEA AGREEMENT. IT INCLUDES
22 A MONEY JUDGMENT IN THE AMOUNT OF \$20,000, AS WELL AS FOUR
23 SPECIFICALLY NAMED FIREARMS WHICH THE DEFENDANT AGREES TO
24 FORFEIT.

25 THE COURT: OKAY.

1 MR. TAYLOR: YOUR HONOR, FOR MR. CAREY, AGAIN,
2 IN PARAGRAPHS -- IN PARAGRAPH 10 IT'S LAID OUT, BUT
3 THERE'S ALSO AN AGREED PRELIMINARY ORDER OF FORFEITURE
4 THAT I'VE TENDERED TO MS. ROBERTS THIS MORNING.

5 THE COURT: OKAY. ALL RIGHT, SO THAT'S JUST
6 MR. CAREY AND MR. JONES THAT HAS THAT; IS THAT RIGHT, I
7 GUESS?

8 MS. SWECKER: JUST A MOMENT, YOUR HONOR.

9 YES, I DON'T SEE ANY FORFEITURE PROVISIONS IN
10 MR. HARVEY'S CASE.

11 THE COURT: ALL RIGHT, SO FOR MR., MR. JONES
12 AND MR. HARVEY -- CAREY I MEAN, DO YOU UNDERSTAND THAT IN
13 THE APPROPRIATE CASES THE COURT MAY ORDER FORFEITURE OF A
14 CERTAIN AMOUNT OF PROPERTY THAT YOU ALL HAVE AGREED TO,
15 THAT YOU'RE GOING TO END UP GIVING UP YOUR RIGHT TO THE
16 PROPERTY THAT'S OUTLINED IN THE PLEA AGREEMENT?

17 DEFENDANT JONES: YES, SIR.

18 DEFENDANT CAREY: YES, SIR.

19 THE COURT: ALL RIGHT. ALL RIGHT. LET'S TALK
20 ABOUT THIS ADVISORY GUIDELINE RANGE. UNDER THE SENTENCING
21 REFORM ACT OF 1984, THE UNITED STATES SENTENCING
22 COMMISSION HAS ISSUED GUIDELINES FOR JUDGES TO CONSIDER IN
23 DETERMINING SENTENCES IN CRIMINAL CASES. HAVE YOU AND
24 YOUR ATTORNEY TALKED ABOUT HOW THE ADVISORY GUIDELINES
25 MIGHT APPLY TO YOUR CASE? BEGINNING WITH YOU, MR. HARVEY?

1 DEFENDANT HARVEY: YES.

2 THE COURT: YOU HAVE, OKAY.

3 DEFENDANT JONES: YES, SIR.

4 DEFENDANT CAREY: YES.

5 THE COURT: AND DO YOU UNDERSTAND THE COURT
6 WILL NOT BE ABLE TO DETERMINE YOUR ADVISORY GUIDELINE
7 RANGE UNTIL AFTER THE PRESENTENCE REPORT HAS BEEN COM-
8 PLETED AND YOU AND THE GOVERNMENT HAVE HAD AN OPPORTUNITY
9 TO REVIEW THAT REPORT AND OBJECT TO ANY OF THE FACTS OR
10 THE CONCLUSIONS THAT ARE CONTAINED IN THAT REPORT? DO YOU
11 UNDERSTAND THAT, MR. HARVEY?

12 DEFENDANT HARVEY: YES.

13 THE COURT: ANSWER THAT AGAIN, PLEASE.

14 DEFENDANT HARVEY: YES.

15 DEFENDANT JONES: YES, SIR.

16 DEFENDANT CAREY: YES, SIR.

17 THE COURT: OKAY. IN ADDITION TO THE ADVISORY
18 GUIDELINES, THERE'S ALSO SOMETHING CALLED THE STATUTORY
19 SENTENCING FACTORS. THEY ARE LISTED IN TITLE 18, SECTION
20 3553(A) OF THE U.S. CODE. HAVE YOU AND YOUR ATTORNEY
21 TALKED ABOUT HOW THE STATUTORY FACTORS MIGHT APPLY TO YOUR
22 CASE?

23 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT
24 HARVEY AND HIS ATTORNEY)

25 DEFENDANT HARVEY: YES.

1 THE COURT: OKAY.

2 DEFENDANT JONES: YES, SIR.

3 DEFENDANT CAREY: YES.

4 THE COURT: ALL RIGHT. NOW, AS A GENERAL
5 RULE -- THIS REALLY DOESN'T APPLY TO MR. HARVEY OR
6 MR. JONES BECAUSE YOU ALL HAVE AGREED SENTENCES, BUT FOR
7 MR. CAREY LET ME KIND OF TELL YOU HOW YOUR CASE IS GOING
8 TO BE RESOLVED. DO YOU UNDERSTAND THAT YOUR SENTENCE WILL
9 BE DETERMINED BY BASICALLY A COMBINATION OF TWO FACTORS --
10 AND DID EVERYBODY ANSWER THAT LAST QUESTION, YOU ALL WENT
11 OVER THE STATUTORY FACTORS OF SENTENCING? OKAY. YOUR,
12 YOUR SENTENCE WILL BE DETERMINED BY A COMBINATION OF TWO
13 THINGS. ONE IS THE CALCULATION OF YOUR ADVISORY GUIDELINE
14 RANGE AND ANY POSSIBLE AUTHORIZED DEPARTURES UNDER THE
15 GUIDELINES; AND, TWO, CONSIDERATION OF THOSE OTHER
16 STATUTORY SENTENCING FACTORS THAT ARE LISTED IN TITLE 18,
17 SECTION 3553(A) OF THE U.S. CODE; DO YOU UNDERSTAND THAT?

18 DEFENDANT CAREY: YES, SIR.

19 THE COURT: AND DO YOU UNDERSTAND THAT AFTER
20 THE COURT DETERMINES WHAT YOUR ADVISORY GUIDELINE RANGE
21 IS, I HAVE THE AUTHORITY CONSIDERING THOSE STATUTORY
22 FACTORS TO VARY UP OR VARY DOWN JUST DEPENDING ON HOW I
23 VALUE AND WEIGHT THOSE SENTENCING, STATUTORY SENTENCING
24 FACTORS; DO YOU UNDERSTAND THAT?

25 DEFENDANT CAREY: YES, SIR.

1 THE COURT: OKAY. ALL RIGHT. TO EACH OF THE
2 COUNSEL, HAVE YOU MADE ANY REPRESENTATIONS TO YOUR CLIENT
3 AS TO WHAT SENTENCE I MIGHT IMPOSE IN THEIR CASE OTHER
4 THAN TO GIVE THEM AN ESTIMATE OF THEIR ADVISORY GUIDELINE
5 RANGE AND, OF COURSE, REGARDING THE SENTENCE AGREED UPON
6 IN THE RULE 11(C)(1)(C) AGREEMENT?

7 MR. HENRY: I HAVE NOT, YOUR HONOR.

8 THE COURT: ALL RIGHT.

9 MR. HUDSON: ONLY AN ESTIMATE, YOUR HONOR.

10 THE COURT: OKAY.

11 MS. ROBERTS: NO, YOUR HONOR.

12 THE COURT: OKAY. ALL RIGHT, AND TO THE
13 DEFENDANTS, DO YOU UNDERSTAND THE COURT'S NOT BOUND, NOT
14 BOUND BY YOUR ATTORNEY'S ESTIMATE AT ALL; DO YOU
15 UNDERSTAND THAT?

16 DEFENDANT HARVEY: YEAH.

17 DEFENDANT JONES: YES, SIR.

18 DEFENDANT CAREY: YES, SIR.

19 THE COURT: ALL RIGHT. AND DO YOU UNDERSTAND,
20 AND THIS IS REALLY FOR MR. CAREY, DO YOU UNDERSTAND THAT
21 YOU WILL NOT BE ABLE TO WITHDRAW YOUR PLEA BECAUSE OF A
22 DIFFERENCE BETWEEN YOUR ATTORNEY'S ESTIMATE AND THE
23 ULTIMATE PUNISHMENT THAT YOU GET?

24 DEFENDANT CAREY: YES, SIR.

25 THE COURT: OKAY. ALL RIGHT. TO EACH OF YOU,

1 DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO PLEAD NOT
2 GUILTY TO ANY OFFENSE CHARGED AGAINST YOU AND TO PERSIST
3 IN THAT PLEA? DO YOU UNDERSTAND THAT, MR. HARVEY?

4 DEFENDANT HARVEY: YES.

5 DEFENDANT JONES: YES, YOUR HONOR.

6 DEFENDANT CAREY: YES, SIR.

7 THE COURT: YOU WOULD THEN HAVE THE RIGHT TO A
8 TRIAL BY A JURY; DO YOU UNDERSTAND THAT, MR. HARVEY?

9 DEFENDANT HARVEY: YEAH.

10 DEFENDANT JONES: YES, SIR.

11 DEFENDANT CAREY: YES, SIR.

12 THE COURT: AND DURING A JURY TRIAL YOU WOULD
13 HAVE THESE ADDITIONAL RIGHTS: YOU WOULD HAVE THE RIGHT TO
14 BE PRESUMED INNOCENT AND THE GOVERNMENT WOULD HAVE TO
15 PROVE YOU GUILTY BEYOND A REASONABLE DOUBT. YOU WOULD
16 HAVE THE RIGHT TO THE ASSISTANCE OF COUNSEL APPOINTED BY
17 THE COURT IF NECESSARY AT TRIAL AND AT EVERY OTHER STAGE
18 IN YOUR CASE. YOU WOULD HAVE THE RIGHT TO SEE AND HEAR
19 ALL THE WITNESSES AND HAVE THEM CROSS-EXAMINED IN YOUR
20 DEFENSE. YOU WOULD HAVE THE RIGHT ON YOUR OWN PART NOT TO
21 TESTIFY UNLESS YOU CHOSE TO DO SO IN YOUR OWN DEFENSE.
22 YOU WOULD HAVE THE RIGHT TO PRESENT EVIDENCE IN YOUR
23 DEFENSE, AND YOU'D HAVE THE RIGHT TO COMPEL THE ATTENDANCE
24 OF WITNESSES TO TESTIFY ON YOUR BEHALF IN YOUR OWN
25 DEFENSE. DO YOU UNDERSTAND YOU'D HAVE THOSE RIGHTS, THOSE

1 ADDITIONAL RIGHTS?

2 DEFENDANT HARVEY: YES.

3 DEFENDANT JONES: YES, YOUR HONOR.

4 DEFENDANT CAREY: YES, SIR.

5 THE COURT: DO YOU UNDERSTAND THAT BY ENTERING
6 A PLEA OF GUILTY, IF THE PLEA IS ACCEPTED, THERE WILL BE
7 NO TRIAL AND THAT YOU WILL HAVE GIVEN UP THE RIGHT TO A
8 TRIAL OF ANY KIND, AS WELL AS THOSE OTHER RIGHTS
9 ASSOCIATED WITH A TRIAL THAT I JUST LISTED FOR YOU; DO YOU
10 UNDERSTAND THAT, MR. HARVEY?

11 DEFENDANT HARVEY: YES.

12 THE COURT: YOU DO? OKAY.

13 DEFENDANT JONES: YES, YOUR HONOR.

14 DEFENDANT CAREY: YES, SIR.

15 THE COURT: AND DO YOU UNDERSTAND THAT YOU'LL
16 BE GIVING UP THE RIGHT NOT TO BE COMPELLED TO INCRIMINATE
17 YOURSELF AND THE RIGHT TO REQUIRE THE UNITED STATES TO
18 PROVE YOU GUILTY BEYOND A REASONABLE DOUBT? MR. HARVEY?

19 DEFENDANT HARVEY: YEAH.

20 THE COURT: ARE YOU LISTENING TO ME?

21 DEFENDANT HARVEY: YES.

22 THE COURT: OKAY. BECAUSE EVERY TIME I'M
23 ASKING YOU A QUESTION, I HAVE TO TELL YOU TO ANSWER IT,
24 AND THAT'S GIVING ME A LITTLE BIT OF PAUSE. YOU CAN
25 UNDERSTAND THAT; RIGHT? I MEAN, I'M JUST WONDERING IF

1 YOU'RE WITH ME OR WHETHER WE NEED TO JUST KIND OF TAKE A
2 BREAK AND LET YOU KIND OF COLLECT YOUR THOUGHTS AND MAYBE
3 START AGAIN ANOTHER TIME, BUT IT'S REALLY HARD TO DO THIS
4 IF YOU'RE NOT PAYING ATTENTION.

5 DEFENDANT HARVEY: I APOLOGIZE. I APOLOGIZE,
6 I'M JUST -- I APOLOGIZE.

7 THE COURT: OKAY.

8 MR. HENRY: HE'S LISTENING, YOUR HONOR; BUT
9 JUST MAKE SURE YOU LOOK AT THE JUDGE WHEN HE'S TALKING TO
10 YOU. HE'S LISTENING.

11 THE COURT: OKAY. ALL RIGHT. DO YOU UNDER-
12 STAND YOU'RE GOING TO GIVE UP THE RIGHT NOT TO BE
13 COMPELLED TO INCRIMINATE YOURSELF AND THE RIGHT TO REQUIRE
14 THE UNITED STATES TO PROVE YOU GUILTY BEYOND A REASONABLE
15 DOUBT; DO YOU UNDERSTAND THAT?

16 DEFENDANT HARVEY: YES.

17 THE COURT: OKAY.

18 DEFENDANT JONES: YES, YOUR HONOR.

19 DEFENDANT CAREY: YES, SIR.

20 THE COURT: OKAY. ALL RIGHT. LET'S START WITH
21 MR. HARVEY HERE. MR. HARVEY, I'VE BEEN ADVISED THAT YOU
22 ARE PLEADING GUILTY TO BEING A FELON IN POSSESSION OF A
23 FIREARM, IN VIOLATION OF TITLE 18, SECTION 922(G)(1) OF
24 THE U.S. CODE. I'M GOING TO TELL YOU WHAT THE GOVERNMENT
25 HAS TO PROVE BEYOND A REASONABLE DOUBT TO PROVE YOU

1 GUILTY, OKAY, TO MAKE SURE YOU UNDERSTAND THAT.

2 TO BE CONVICTED OF THIS OFFENSE, THE GOVERNMENT
3 HAS TO PROVE THE FOLLOWING THINGS: NUMBER ONE, THAT YOU
4 HAVE BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT
5 OF MORE THAN ONE YEAR; NUMBER TWO, THAT YOU FOLLOWING YOUR
6 CONVICTION, YOU KNOWINGLY POSSESSED THE FIREARMS SPECIFIED
7 IN THE INDICTMENT, IN THIS PARTICULAR CASE IT'S A RUGER
8 SECURITY 9, 9 MILLIMETER HANDGUN; NUMBER THREE, THAT YOU
9 AT THE TIME YOU POSSESSED THAT FIREARM, YOU KNEW THAT YOU
10 HAD BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT
11 FOR MORE THAN ONE YEAR; AND, NUMBER FOUR, THAT THE FIREARM
12 PREVIOUSLY HAD BEEN SHIPPED IN INTERSTATE COMMERCE. DO
13 YOU UNDERSTAND WHAT THE GOVERNMENT WOULD HAVE TO PROVE
14 BEYOND A REASONABLE DOUBT TO CONVICT YOU OF THAT OFFENSE?

15 DEFENDANT HARVEY: YES, I DO, YOUR HONOR.

16 THE COURT: OKAY. ALL RIGHT. LET ME JUST
17 FINISH YOUR CASE UP. HOW DO YOU PLEAD TO COUNT 1 WHICH
18 CHARGES YOU WITH BEING A FELON IN POSSESSION OF A FIREARM?

19 MR. HENRY: HOW DO YOU PLEAD TO COUNT 1?

20 DEFENDANT HARVEY: DANG.

21 THE COURT: ALL RIGHT. THAT'S NOT A HARD
22 QUESTION. I MEAN, I'M NOT GOING TO TAKE YOUR GUILTY PLEA
23 IF YOU ARE WAVERING ON THAT QUESTION, OKAY?

24 DEFENDANT HARVEY: ALL RIGHT.

25 THE COURT: I MEAN, I WAS TOLD THAT YOU WERE

1 INTERESTED IN CHANGING YOUR PLEA TO A PLEA OF GUILTY, SO I
2 HAVE TO ASK YOU WHETHER OR NOT YOU'RE GOING TO CHANGE YOUR
3 PLEA AND WHAT YOUR PLEA IS; BUT IF YOU DON'T FEEL COMFORT-
4 ABLE, IT'S OKAY, WE CAN SET YOUR CASE FOR TRIAL AND WE'LL
5 GET IT RESOLVED THAT WAY, OKAY?

6 DEFENDANT HARVEY: YES, SIR.

7 THE COURT: ALL RIGHT. IS THAT WHAT YOU WOULD
8 LIKE?

9 DEFENDANT HARVEY: YES.

10 THE COURT: OKAY. ALL RIGHT. ALL RIGHT, SO
11 FOR MR. HARVEY THEN WE'RE NOT GOING TO TAKE HIS GUILTY
12 PLEA, I GUESS.

13 MR. HENRY: BRIEF INDULGENCE, YOUR HONOR?

14 THE COURT: THAT'S ALL WE'VE BEEN DOING THIS
15 MORNING.

16 (OFF-THE-RECORD DISCUSSION BETWEEN MR. HARVEY AND MS.
17 ROBERTS)

18 MR. HENRY: YOUR HONOR, WE WOULD ASK FOR SOME
19 ADDITIONAL TIME TO TALK TO MR. HARVEY SOME MORE.

20 THE COURT: I THINKS THAT'S PROBABLY A GOOD
21 IDEA.

22 MR. HENRY: THANK YOU, YOUR HONOR.

23 THE COURT: I HAVE BEEN WANTING TO SAY THAT
24 SINCE HE LOOKED AT ME THE FIRST TIME THIS MORNING BECAUSE
25 HE'S, HE IS, HE -- I HAVE SOME CONCERNS ABOUT HIM THIS

1 MORNING, I CAN TELL YOU THAT. I THINK YOU CAN SEE IT.

2 MR. HENRY: ME AS WELL, YOUR HONOR, ME AS
3 WELL.

4 THE COURT: ALL RIGHT. MR. HARVEY, YOU'RE
5 GOING TO BE REMANDED TO THE CUSTODY OF THE U.S. MARSHAL,
6 AND WE WILL -- I'M GOING TO GIVE YOU A LITTLE BIT OF TIME
7 TO TALK TO HIM, AND THEN WE CAN RESET HIS CHANGE OF PLEA
8 OR WE CAN SET IT FOR TRIAL. I'M NOT SURE -- I'M SURE IT'S
9 ALREADY SET FOR TRIAL; ISN'T IT?

10 THE CLERK: TODAY.

11 THE COURT: TODAY.

12 MR. HENRY: WE WOULD ASK THAT IT BE RESET FOR
13 CHANGE OF PLEA, YOUR HONOR; AND IF AT THAT TIME, MAYBE
14 JUST EXTEND THE PLEA BY DATE AND/OR TRIAL DATE, I WOULD
15 LIKE TO TALK TO MY SENIOR ATTORNEY ON THIS CASE WHO HAS
16 BEEN HELPING ME WITH THIS CASE, WE JUST NEED TO SIT DOWN
17 AND TALK TO MR. HARVEY SOME MORE.

18 THE COURT: LET'S SEE HERE. WELL, I'VE GOT
19 CONCERNS FOR THE SPEEDY TRIAL ACT, OBVIOUSLY.

20 MR. HENRY: YES, SIR.

21 THE COURT: HIS TRIAL WAS TODAY, AND THEN THE
22 ONLY THING THAT'S BEEN EXCLUDED IS UP TO TODAY FOR THE
23 SPEEDY TRIAL ACT, SO DO YOU WANT, DO YOU WANT A
24 CONTINUANCE OF THE TRIAL AND, TO SPEND MORE TIME GOING
25 OVER THIS PLEA AGREEMENT WITH HIM?

1 MR. HENRY: I DO, YOUR HONOR. AND, OF COURSE,
2 I WOULD HAVE TO MAKE SURE MR. HARVEY AGREES WITH THAT, BUT
3 THAT'S WHAT COUNSEL REQUESTS ON HIS BEHALF.

4 WE NEED MORE TIME. IF YOU WANT A TRIAL, YOU'RE
5 NOT READY TO GO TO TRIAL TODAY, SO EITHER WAY WE NEED A
6 CONTINUANCE.

7 (OFF-THE-RECORD DISCUSSION BETWEEN DEFENDANT HARVEY
8 AND HIS COUNSEL)

9 MR. HENRY: YOUR HONOR, WE WOULD ASK FOR A
10 CONTINUANCE.

11 THE COURT: ALL RIGHT. IT SEEMS TO ME THAT A
12 CONTINUANCE WOULD BE APPROPRIATE, AND I'LL EXCLUDE UNDER
13 THE SPEEDY TRIAL ACT BECAUSE YOU'RE NOT READY TO GO TO
14 TRIAL.

15 MR. HENRY: NO, SIR.

16 THE COURT: YOU WOULD NEED TIME TO PREPARE --

17 MR. HENRY: YES, SIR.

18 THE COURT: -- AND TO MEET WITH HIM BECAUSE,
19 YOUR, I THINK, UNDERSTANDING WAS HE WAS GOING TO CHANGE
20 HIS PLEA TODAY.

21 MR. HENRY: YES, SIR.

22 THE COURT: SO I'M GOING TO EXCLUDE UNDER THE
23 SPEEDY TRIAL ACT ALL THE TIME FROM TODAY UNTIL -- CAN WE
24 JUST SET THIS? WHAT DO YOU RECOMMEND, SET IT NEXT MONTH
25 FOR TRIAL? WE HAVE TO GIVE A SPECIFIED TIME. GIVE ME A

1 JULY TRIAL DATE.

2 THE CLERK: JULY 19TH.

3 THE COURT: ALL RIGHT. I'M GOING TO SET THIS
4 FOR JULY 19TH FOR A JURY TRIAL, AND I WILL EXCLUDE ALL THE
5 TIME FROM HERE UNTIL JULY THE 19TH, I WILL ENTER AN ORDER
6 ON THAT TOO; AND IF, IF YOU ARE READY AND IF YOU ALL ARE,
7 YOU KNOW, IF YOU -- I'M GOING TO ASSUME IT'S A TRIAL, BUT
8 IF IN THE MEANTIME YOU TALK WITH THE UNITED STATES AND
9 YOU'RE READY FOR A CHANGE OF PLEA, JUST LET US KNOW, YOU
10 CAN REACH OUT TO OUR CHAMBERS, AND WE WILL SCHEDULE IT FOR
11 YOU, OKAY?

12 MR. HENRY: YES, SIR.

13 THE COURT: BUT IF I DON'T HEAR FROM ANYBODY,
14 I'M JUST GOING TO -- WE'LL TRY THE CASE IN JULY --

15 MR. HENRY: YES, SIR.

16 THE COURT: -- OKAY? ALL RIGHT. HE CAN BE
17 REMOVED FROM THE COURTROOM NOW.

18 MR. HENRY: DO WE HAVE A WEEK SET CERTAIN IN
19 JULY, YOUR HONOR?

20 THE COURT: JULY 19TH.

21 MR. HENRY: 19TH, THANK YOU.

22 THE COURT: YEAH.

23 ALL RIGHT. THANK YOU, MR. HENRY.

24 MR. HENRY: THANK YOU, YOUR HONOR.

25 THE COURT: ALL RIGHT. NOW, LET'S SEE IF WE

1 CAN GET THROUGH THE REST OF THESE.

2 MR. JONES, THE COURT'S ADVISED THAT YOU ARE
3 PLEADING GUILTY TO TWO OFFENSES. ONE IS THE OFFENSE OF
4 CONSPIRACY -- WELL, DID I MISS ANYTHING ON ASKING HIM
5 QUESTIONS? DID I GO THROUGH THAT FOR EVERY -- BECAUSE I
6 KIND OF GOT DERAILED HERE. DID I ANSWER -- DID THEY
7 ANSWER THAT THEY UNDERSTOOD ALL THE RIGHTS ABOUT THE JURY
8 TRIAL?

9 MR. HUDSON: YES, YOUR HONOR.

10 THE COURT: OKAY. ALL RIGHT. THIS HAS KIND OF
11 THROWN ME FOR A LOOP.

12 MS. SWECKER: US AS WELL.

13 MR. MCCAULEY: YOUR HONOR, I HAVE A QUESTION,
14 WE ALSO HAD A SUPERVISED RELEASE FINAL HEARING SET FOR
15 MR. HARVEY.

16 THE COURT: WELL, THAT WILL BE CONTINUED TO
17 JULY 19TH.

18 MR. MCCAULEY: THANK YOU, YOUR HONOR.

19 THE COURT: YEAH.

20 ALL RIGHT. MR. JONES, I'VE BEEN ADVISED THAT
21 YOU ARE PLEADING GUILTY TO COUNT 1 OF THE INDICTMENT WHICH
22 CHARGES YOU WITH A CONSPIRACY TO DISTRIBUTE 50 GRAMS OR
23 MORE OF METHAMPHETAMINE, THAT IS IN VIOLATION OF TITLE 21,
24 SECTIONS 846, 841(A)(1) AND (B)(1)(A) OF THE U.S. CODE;
25 AND YOU'RE PLEADING GUILTY TO COUNT 20, WHICH CHARGES YOU

1 WITH POSSESSING A FIREARM IN FURTHERANCE OF A DRUG
2 TRAFFICKING OFFENSE, THAT'S IN VIOLATION OF TITLE 18,
3 SECTION 924(C) (1) (A) OF THE U.S. CODE. I'M GOING TO
4 REVIEW WITH YOU NOW THE ELEMENTS OF THOSE OFFENSES, OKAY,
5 SO THAT YOU UNDERSTAND WHAT THE GOVERNMENT HAS TO PROVE
6 BEYOND A REASONABLE DOUBT TO OBTAIN A CONVICTION FOR THIS
7 OFFENSE, OKAY?

8 DEFENDANT JONES: YES, SIR.

9 THE COURT: NOW, TO BE CONVICTED TO -- OF COUNT
10 1, THE GOVERNMENT WOULD HAVE TO PROVE THAT TWO OR MORE
11 PERSONS DIRECTLY OR INDIRECTLY REACHED AN AGREEMENT TO
12 DISTRIBUTE METHAMPHETAMINE AS CHARGED IN THE INDICTMENT;
13 NUMBER TWO, THAT YOU KNEW OF THE UNLAWFUL PURPOSE OF THE
14 AGREEMENT; NUMBER THREE, THAT YOU JOINED IN THE AGREEMENT
15 WILLFULLY, THAT IS WITH THE INTENT TO FURTHER ITS UNLAWFUL
16 PURPOSE; AND, FOUR, THAT THE OVERALL SCOPE OF THE
17 CONSPIRACY INVOLVED 50 GRAMS OR MORE OF METHAMPHETAMINE.
18 DO YOU UNDERSTAND WHAT THE GOVERNMENT WOULD HAVE TO PROVE
19 FOR THAT OFFENSE?

20 DEFENDANT JONES: YES, SIR.

21 THE COURT: AND FOR COUNT 20, POSSESSING A
22 FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME, THEY
23 WOULD HAVE TO PROVE THE FOLLOWING ELEMENTS: THAT YOU
24 COMMITTED THE CRIME CHARGED IN COUNT 1, WHICH IS THE
25 CONSPIRACY TO DISTRIBUTE 50 GRAMS OR MORE OF METH; SECOND,

1 THAT YOU KNOWINGLY POSSESSED A FIREARM; AND, NUMBER THREE,
2 THAT THE POSSESSION OF THAT FIREARM WAS IN FURTHERANCE OF
3 THE DRUG TRAFFICKING CRIME CHARGED IN COUNT 1. DO YOU
4 UNDERSTAND WHAT THEY'D HAVE TO PROVE FOR THAT OFFENSE?

5 DEFENDANT JONES: YES, SIR.

6 THE COURT: ALL RIGHT. WELL, THEN LET ME ASK
7 YOU HOW DO YOU PLEAD TO COUNT 1 WHICH CHARGES YOU WITH A
8 CONSPIRACY TO DISTRIBUTE 50 GRAMS OR MORE OF
9 METHAMPHETAMINE?

10 DEFENDANT JONES: GUILTY.

11 THE COURT: AND DO YOU UNDERSTAND WHAT YOU'RE
12 PLEADING GUILTY TO?

13 DEFENDANT JONES: YES, SIR.

14 THE COURT: AND ARE YOU OFFERING TO PLEAD
15 GUILTY BECAUSE ARE YOU IN FACT GUILTY OF THAT OFFENSE?

16 DEFENDANT JONES: YES, SIR.

17 THE COURT: NOW, HOW DO YOU PLEAD TO COUNT 20
18 WHICH CHARGES YOU WITH POSSESSING A FIREARM IN FURTHERANCE
19 OF A DRUG TRAFFICKING CRIME?

20 DEFENDANT JONES: GUILTY.

21 THE COURT: AND DO YOU ALSO UNDERSTAND WHAT
22 YOU'RE PLEADING GUILTY TO WITH RESPECT TO THAT?

23 DEFENDANT JONES: YES, SIR.

24 THE COURT: AND ARE YOU OFFERING TO PLEAD
25 GUILTY TO COUNT 20 BECAUSE ARE YOU IN FACT GUILTY OF THAT

1 OFFENSE?

2 DEFENDANT JONES: YES, SIR.

3 THE COURT: ALL RIGHT. NOW, DO YOU UNDERSTAND
4 THAT PURSUANT TO YOUR PLEA AGREEMENT UNDER RULE
5 11(C) (1) (C) IF I DO ACCEPT IT, YOU WILL RECEIVE A SENTENCE
6 OF 240 MONTHS AS OUTLINED IN YOUR PLEA AGREEMENT?

7 DEFENDANT JONES: THAT'S CORRECT.

8 THE COURT: IS THAT YOUR UNDERSTANDING OF WHAT
9 YOUR AGREEMENT IS?

10 DEFENDANT JONES: YES, SIR.

11 THE COURT: OKAY. NOW, FOR MR. CAREY -- LET'S
12 SEE HERE. MR. CAREY, I'VE BEEN ADVISED THAT YOU'RE
13 PLEADING GUILTY TO COUNT 5, WHICH IS POSSESSING A FIREARM
14 BY AN UNLAWFUL USER, AN ADDICT, OF A CONTROLLED SUBSTANCE.
15 THAT WOULD BE IN VIOLATION OF TITLE 18, SECTION 922(G) (3)
16 OF THE U.S. CODE. I'M GOING TO REVIEW WITH YOU NOW THOSE
17 ELEMENTS FOR COUNT 5. TO BE CONVICTED OF THAT OFFENSE,
18 THE GOVERNMENT WOULD HAVE TO PROVE BEYOND A REASONABLE
19 DOUBT THAT: FIRST, THAT YOU ARE AN UNLAWFUL USER OF A
20 CONTROLLED SUBSTANCE, WHICH MEANS THAT YOU REGULARLY AND
21 REPEATEDLY USE A CONTROLLED SUBSTANCE IN A MANNER OTHER
22 THAN AS PRESCRIBED BY A LICENSED PHYSICIAN; SECOND, THAT
23 YOU KNOWINGLY POSSESSED THE FIREARM SPECIFIED IN THE
24 INDICTMENT, IN THIS PARTICULAR CASE IT'S A DAVIS
25 INDUSTRIES MODEL P32, .32 CALIBER PISTOL; THIRD, THAT YOU

1 AT THE TIME YOU POSSESSED THE FIREARM KNEW YOU WERE AN
2 UNLAWFUL USER OF A CONTROLLED SUBSTANCE; AND, FOURTH, THAT
3 THE FIREARM PREVIOUSLY HAD BEEN SHIPPED OR TRANSPORTED
4 FROM ONE STATE TO ANOTHER. DO YOU UNDERSTAND WHAT THE
5 GOVERNMENT WOULD HAVE TO PROVE TO CONVICT YOU OF THAT
6 OFFENSE?

7 DEFENDANT CAREY: YES, SIR, YOUR HONOR.

8 THE COURT: ALL RIGHT. SO HOW DO YOU PLEAD TO
9 COUNT 5, WHICH CHARGES YOU WITH BEING IN POSSESSION OF A
10 FIREARM BY AN UNLAWFUL USER, AN ADDICT, OF A CONTROLLED
11 SUBSTANCE, IN VIOLATION OF TITLE 18, SECTION 922(G)(3)?

12 DEFENDANT CAREY: COULD I HAVE ONE SECOND?

13 THE COURT: YEAH, UH-HMM.

14 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT
15 CAREY AND HIS ATTORNEY)

16 MS. ROBERTS: WE JUST NEEDED SOME
17 CLARIFICATION, JUDGE. HE'S READY TO ANSWER NOW.

18 THE COURT: ALL RIGHT. HOW DO YOU PLEAD TO
19 COUNT 5 WHICH CHARGES YOU WITH BEING IN POSSESSION OF A
20 FIREARM BY AN UNLAWFUL USER, AN ADDICT, OF A CONTROLLED
21 SUBSTANCE?

22 DEFENDANT CAREY: GUILTY.

23 THE COURT: AND DO YOU UNDERSTAND WHAT YOU'RE
24 PLEADING GUILTY TO?

25 DEFENDANT CAREY: YES, SIR.

1 THE COURT: AND ARE YOU OFFERING TO PLEAD
2 GUILTY BECAUSE YOU ARE IN FACT GUILTY OF THAT OFFENSE?

3 DEFENDANT CAREY: YES, SIR.

4 THE COURT: ALL RIGHT. ANYBODY HAVE ANY
5 QUESTIONS? ANYBODY HAVE ANY -- ANYTHING ELSE FROM
6 ANYBODY?

7 MR. HUDSON: NO, YOUR HONOR.

8 THE COURT: ALL RIGHT. THE COURT HAS OBSERVED
9 THE APPEARANCE OF THESE TWO DEFENDANTS, AND BASED ON THEIR
10 RESPONSIVENESS TO THE QUESTIONS ASKED AND THE OBSERVA-
11 TIONS, THE COURT WILL MAKE THE FOLLOWING FINDINGS: THE
12 DEFENDANTS ARE FULLY COMPETENT AND CAPABLE OF ENTERING AN
13 INFORMED GUILTY PLEA; THEY ARE NOT UNDER THE APPARENT
14 INFLUENCE OF NARCOTICS, OTHER DRUGS OR ALCOHOL; THEY ARE
15 AWARE OF THE NATURE OF THE CHARGES AND THE CONSEQUENCES OF
16 THE PLEA AND THE MAXIMUM PENALTIES PROVIDED BY LAW FOR
17 THESE OFFENSES; THEY HAVE KNOWINGLY WAIVED THEIR CONSTI-
18 TUTIONAL RIGHTS TO A TRIAL AND THE OTHER RIGHTS ACCORDED
19 TO PERSONS ACCUSED OF A CRIME; THEY HAVE OFFERED TO PLEAD
20 GUILTY KNOWINGLY AND VOLUNTARILY, AND IT IS SUPPORTED BY
21 AN INDEPENDENT BASIS IN FACT CONTAINING EACH OF THE
22 ESSENTIAL ELEMENTS OF THE OFFENSES.

23 ACCORDINGLY, MR. CAREY, YOU ARE HEREBY ADJUDGED
24 GUILTY OF COUNT 5 OF THE INDICTMENT, WHICH CHARGES YOU
25 WITH POSSESSION OF A FIREARM BY AN UNLAWFUL USER OF A

1 CONTROLLED -- OR ADDICT OF A CONTROLLED SUBSTANCE, IN
2 VIOLATION OF TITLE 18, SECTION 922(G)(3).

3 AND, MR. JONES, YOU ARE HEREBY ADJUDGED GUILTY
4 OF A, COUNT 1 WHICH CHARGES YOU WITH A CONSPIRACY TO
5 DISTRIBUTE 50 GRAMS OR MORE OF METHAMPHETAMINE AND COUNT
6 20 WHICH CHARGES YOU WITH POSSESSING A FIREARM IN
7 FURTHERANCE OF A DRUG TRAFFICKING OFFENSE.

8 FOR MR. JONES, IS SEPTEMBER THE 8TH AT 10:00
9 A.M. A GOOD DATE FOR YOU?

10 MR. HUDSON: IT IS, YOUR HONOR.

11 THE COURT: AND FOR MR. CAREY, HOW IS SEPTEMBER
12 8TH AT 11:00, WILL THAT WORK?

13 MS. ROBERTS: YES, YOUR HONOR.

14 THE COURT: ALL RIGHT. THEIR SENTENCINGS WILL
15 BE SET THEN.

16 BOTH DEFENDANTS WERE PREVIOUSLY DETAINED, SO
17 THEY'LL BE REMANDED TO THE CUSTODY OF THE U.S. MARSHAL
18 PENDING THEIR SENTENCINGS, AND WE'LL SEE YOU BACK HERE
19 THEN.

20 THANK YOU ALL.

21 (PROCEEDINGS ARE CONCLUDED AT 9:17 A.M.)

22 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM
23 THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

24 KAREN J. BRADLEY/S
25 SIGNATURE OF COURT REPORTER

06/08/2022
DATE